

REMARKS

This application has been carefully reviewed in light of the Office Action mailed August 11, 2006. Claims 1-4, 6-14, 19-31, and 34-36 are pending in the Application. Applicant respectfully requests reconsideration and favorable action for all pending claims in view of the following remarks.

Rejections Under 35 U.S.C. § 112

The Office Action rejects Claims 1-4, 6-14, 19-31, and 34-36 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action contends that the limitation “isolating the delay timer from the network” of Claims 1, 19, and 24 is not described in the Specification. *See* Office Action, page 3. Applicant respectfully traverses these rejections for the reasons described below.

With regard to a particular embodiment, Figure 1 of the Specification fully supports Claims 1, 19, and 24. Figure 1 is discussed on pages 7-11 of Applicant’s application, and the discussion clearly describes “isolating the delay timer from the network.” For example, page 7, lines 29-31 of Applicant’s disclosure describes delay timer 103 as part of communication module 101 and that delay timer 103 may be isolated from the network in conjunction with isolating communication module 101 from the network. Further, page 9, lines 23-28 of Applicant’s disclosure confirms that the delay timer is isolated and that no independent connection exists between delay timer 103 and network 106 stating:

For example, the user may access delay timer module 103 using a user interface (not expressly shown) coupled to system 100 and not via network 106. As such, a third party may not access delay timer module 103 via network 106 and reprogram the parameter to a new value.

The above passages make it clear that in an example secure operating environment, the delay timer is isolated from the network. Therefore, Applicant’s Claims 1, 19, and 24 are clearly described in the disclosure. For at least these reasons, Applicant respectfully requests that the rejection of Claims 24-26 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejections Under 35 U.S.C. § 102 and § 103

The Office Action rejects Claims 1-4, 6-9, 11, 19, 21, 24, 25, 28, 30, 31, and 34-36 under 35 U.S.C. § 102(b) as being anticipated over U.S. Patent No. 5,892,901 to Landwehr et al. (“*Landwehr*”), rejects Claims 10, 20, and 27 under 35 U.S.C. § 103(a), as being

unpatentable over *Landwehr* in view of U.S. Patent No. 6,185,615 to Namma et al ("*Namma*"), rejects Claims 12-14, 22, and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Landwehr*, and further in view of *Namma* and U.S. Patent No. 6,249,681 to Virtanen ("*Virtanen*"), rejects Claim 26 under 35 U.S.C. § 103(a) as being unpatentable over *Landwehr* and further in view of *Virtanen*, and rejects Claim 29 under 35 U.S.C. § 103(a) as being unpatentable over *Landwehr* further in view of U.S. Patent No. 5,495,480 to Yoshida ("*Yoshida*"). Applicant respectfully traverses for the reasons described below.

At the outset, Applicant respectfully reminds the PTO that in order for a reference to anticipate a claim "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (Emphasis Added). With this threshold requirement in mind, Applicant submits that the PTO has failed to establish a *prima facie* case of anticipation, using *Landwehr*. Claim 1 is allowable at least because *Landwehr* does not teach or suggest "comparing the delay time interval to an activity associated with the system communicating with the network, the activity being any communication between the system and the network" and "isolating the communication module and the delay timer from the network based on the comparison . . ." The Office Action alleges that the delay timer is part of the system that is isolated in *Landwehr*, but this is incorrect. Instead, Column 5, lines 29-34 of *Landwehr*'s specification **identifies the delay timer as being part of detector 18 as follows:**

In this manner, detector 18 generates a plurality of timing periods which are available to detector 18, e.g. the idle time period and time period to shutdown described above. These, together with the counter in processor 20, constitute the timer of detector 18.

A similar argument to the above was previously presented. *See* Response filed on April 20, 2006. In response to that argument the Office Action contends that Column 3, lines 8-25 of *Landwehr* teach the delay timer as part of the system that is isolated, namely Circuit 3,¹ *See* Office Action, page 2, but this is incorrect. *Landwehr* teaches that the delay timer is part of **Circuit 2**. *See Landwehr* Column 5, lines 33-34. **Circuit 2** remains connected to **Circuit 3 and external circuit 33, even if Circuit 3 is isolated from external circuit 33.** *See Landwehr* Column 3, lines 30-35 and Column 4, lines 6-11. Thus, at no point does

¹ For the convenience of the Examiner, Applicant notes that *Landwehr* refers to agent 12 as Circuit 1, detector 18 as Circuit 2, and computer 28 as Circuit 3. Circuit 3 is isolated from external circuit 33, which the Examiner refers to as the network. *See Landwehr* Column 2, lines 44-66.

Landwehr teach isolating **Circuit 2 or the delay timer taught as part of Circuit 2**. The entirety of Column 3, lines 8-25 of *Landwehr* states the following:

In operation, agent 12 and detector 18 periodically communicate with one another via transmitters/receivers 16 and 18 when the two circuits are within each other's spatial range. Processor 20 of detector 18 uses this communication to authenticate agent 12, i.e. identify whether agent 12 is an approved circuit, which, for example, could indicate that agent 12 corresponds to an electronic device given an approved user of circuit 28 to identify the user to detector 18. Upon favorable identification by processor 20, detector 18 opens interlock 32 to permit external access to circuit 28 via line 30. If detector 18 cannot authenticate agent 16 as a valid circuit within a preselected time, or agent 16 is out of communication range for the preselected time, detector 18 signals interlock 32 via link 26 to shut off communication along line 30, isolating circuit 28 from external communication. If detector 18 still cannot identify presence of a valid circuit within a further preselected time, detector 18 can preferably send a signal to shut down circuit 28, typically by disconnecting its power.

Clearly, this portion does not disclose that the delay timer is part of the system that is isolated. Thus, at no point does *Landwehr* teach or suggest isolating the communication module and the delay timer from the network.

For at least these reasons, Claim 1 is allowable, as are all claims depending therefrom. Claims 19 and 24 are allowable for analogous reasons, as are all claims depending therefrom. Reconsideration and favorable action are requested.

Claims 34, 35, and 36 are also allowable at least because *Landwehr* does not teach or suggest "wherein the network implements a TCP/IP transport language protocol." The Office Action cites Column 2, line 61 - Column 3, line 7 in rejecting this claim. Again, the Office Action is incorrect. The cited portion is completely devoid of any mention of a network implementing a TCP/IP language protocol, reciting in its entirety:

Detector 18 communicates to third circuit 28, and via link 2,6 to electronic interlock 32. Communication line 30 permits circuit 28 to communicate to one or more external circuits 33, with arrows 31a and 31b indicating that the communication between circuits 28 and 33 may be bi-directional. Interlock 32 is disposed to selectably permit or block communication along line 30 and may also disconnect power from circuit 28. Data line 30 may, of course, be a plurality of wires, data links, multiplexed lines, etc.

From the above recitation, it is clear that no mention is made of isolating a network implementing a TCP/IP transport language protocol. Instead, *Landwehr* is directed to a system that isolates devices such as a keyboard and mouse. *See Landwehr* Column 4, lines 1-5. Applicant respectfully submits that one would not be motivated to modify the keyboard

and mouse devices of *Landwehr* to communicate over a network implementing a TCP/IP transport language protocol. For at least these reasons, Claims 34, 35, and 36 are allowable. Reconsideration and favorable action are requested.

Applicant further submits that the above indicated errors in failing to establish a *prima facie* case of anticipation are clear errors of law as defined by the Official Gazette Notice of July 12, 2005, establishing the procedure for the Pre-Appeal Brief Request for Review, and if maintained, would clearly be overturned by a Pre-Appeal Panel.

CONCLUSION

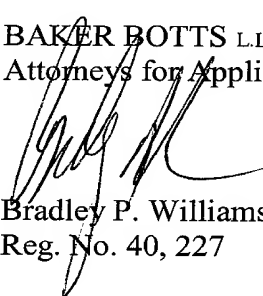
Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

Applicant believes no fees are due. Nonetheless, the Commissioner is hereby authorized to charge any other fees and/or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant


Bradley P. Williams
Reg. No. 40, 227

Date: 11/8/04

Correspondence Address:

Customer Number: **05073**